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People Who Live in Glass Justice Depts.

A couple of weeks ago, an overwhelming majority of the working attorneys in the Civil Rights Division of the Department of Justice took issue publicly with the administration's proposed "anti-busing" legislation and urged that Congress reject it. A few days ago, a handful of these lawyers resigned from the Department altogether and said that they intended to work for Senator McGovern. On each occasion, the Department responded with an admonition that was almost as highminded as it was pointless. As expressed in the April 25 Justice response, it went as follows:

> "It is one thing for a Department attorney to personally oppose legislation proposed by the Administration; it is another matter for him to assert that if such legislation were validly enacted by the Congress he would not, as an attorney of the Department, enforce it. In such a case he should, as a matter of professional ethics, resign his employment; failing such a resignation he would be dismissed."

What made all this pointless was not its unexceptionable inner logic or its merit as a general proposition, but rather the fact that there was not the merest hint in the two public statements issued by the dissenting attorneys that they would refuse to enforce the proposed legislation were it to become law.

Perhaps we have been a bit too sweeping in our characterization of the Justice Department's admonition as "pointless"—since it is not without a certain relevance to the behavior of the Department itself. This, after all, is the administration that inaugurated its term in office by refusing to enforce the campaign reporting statute which had been violated by the Republicans in the presidential election of 1968. Now, three years later, it is the administration that is propounding a "moratorium" on busing (the issue with the dissenting attorneys) which is nothing more than an attempt to prevent the enforcement of federal court orders (and Supreme Court orders, if need be) by a congressional assertion that the law is not to be carried out. In between times, of course, there have been any number of other episodes suggesting that whoever drafted the stern statements issued from Justice could do worse than to ponder them himself. We have had the fracas over the administration's "impounding" of congressionally apropriated funds, for example—which is to say, the administration's refusal to spend money on programs enacted by Congress into law. And we have also had, three times running, reports from the Civil Rights Commission complaining of the fact that in this, as in previous administrations, "there is danger that the great effort made by public and private groups to obtain the civil rights laws we now have will be nullified through ineffective enforcement." Indeed, the more we think about the Department's statement of the proposition that its lawyers have an obligation to carry out the law, the more point it seems to have—never mind that the point goes in another direction.